



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 21, 2010

Ms. Karen Nelson
Chief Counsel
Office of Inspector General
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR2010-14261

Dear Ms. Nelson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 393997 (OR-20100702-5230).

The Texas Health and Human Services Commission (the "commission") received a request for information collected, assembled, or maintained by the commission and the commission's Office of Inspector General (the "OIG"), including the following: (1) total number of current open investigations by the OIG; (2) total number of the OIG's current open investigations against doctors who are Medicaid providers in Hidalgo County; (3) total number of the OIG's current open investigations against doctors who are Medicaid providers in Cameron County; and (4) the total number of the OIG's current open investigations against ENT providers. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹

¹We assume that the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

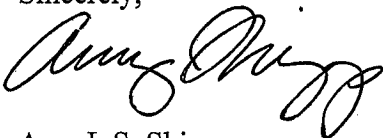
Initially, we address your argument that the request for information is overly broad and requires the commission to answer questions. We agree the Act does not require a governmental body to answer general questions, perform legal research, or create new information in response to a request for information. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). However, the Act does require the governmental body to make a good faith effort to relate a request to information that the governmental body holds or to which it has access. *See* Open Records Decision Nos. 563 at 8, 561 at 8-9 (1990), 555 at 1-2, 534 at 2-3 (1989). Because you have submitted information for our review, we believe you have made a good faith effort to submit information responsive to the request. Therefore, we will consider your arguments to withhold the submitted information.

Next, you inform us that the submitted information is made confidential by section 552.101 of the Government Code in conjunction with section 531.1021(g) of the Government Code. In Open Records Letter Nos. 2004-8876 (2004) and 2004-8357 (2004), this office issued previous determinations authorizing the commission to withhold information and materials compiled by the commission's OIG in connection with its investigations under section 531.1021(g) without the necessity of requesting an attorney general decision. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (delineating elements of second type of previous determination under section 552.301(a)). Accordingly, the commission must withhold the submitted information in accordance with Open Records Letter Nos. 2004-8876 and 2004-8357.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Shipp", written in a cursive style.

Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/tp

Ref: ID# 393997

Enc. Submitted documents

c: Requestor
(w/o enclosures)